

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Aurelio ORJALES VENERO et al.

Date: March 17, 2005

Serial No.: 10/511,822

Group Art Unit: ---

Filed: October 19, 2004

Examiner: ---

COPY

For: POLYMORPH OF 4-[2-[1-(2-ETHOXYETHYL)-1H-BENZIDIMAZOLE-2-Y1]-1-PIPERIDINYL]ETHYL]- α -DIMETHYL-BENZENOACETIC ACID

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF DECLARATION

Sir:

In the absence of a Notice to File Missing Parts of Application-Filing Date Granted enclosed herewith is an inventor's Declaration together with our check No. 19953 for \$65.00.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account #15-0700.

If this communication is filed after the time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on :

Mark A. FarleyName of applicant, assignee or
Registered RepresentativeMark A. Farley
SignatureMarch 17, 2005

Date of Signature

Respectfully submitted,

Mark A. Farley

Mark A. Farley

Registration No.: 33,170


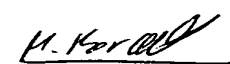

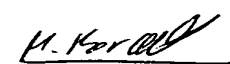

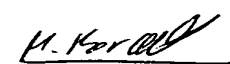
OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

MAF:jl

UNITED STATES OF AMERICA COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION		OFGS FILE NO																																									
<p>As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named) of the subject matter which is claimed and for which a patent is sought on the invention entitled: Polymorph of 4-(2-(1-(2-ethoxyethyl)-1H-benzidimazole-2-yl)-1-piperidinyl)-aa-dimethyl-benzoacetic acid</p> <p>the specification of which is attached hereto, unless the following box is checked:</p> <p><input checked="" type="checkbox"/> was filed on <u>19/04/2002</u> as United States patent Application Number or PCT International patent application number <u>PCT/ES02/00194</u> and was amended on _____</p> <p>I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above</p> <p>I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations 1.56</p> <p>I hereby claim priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or United States provisional application(s) listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:</p> <p>Prior Foreign or Provisional Application(s)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">COUNTRY</th> <th style="width: 25%;">APPLICATION NUMBER</th> <th style="width: 25%;">DATE OF FILING (day, month, year)</th> <th style="width: 25%;">PRIORITY CLAIMED UNDER 35 U.S.C. 119</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td>YES ___ NO</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td>YES ___ NO</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td>YES ___ NO</td> </tr> </tbody> </table> <p>I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">UNITED STATES APPLICATION NUMBER</th> <th style="width: 30%;">DATE OF FILING (day, month, year)</th> <th style="width: 40%;">STATUS (patented, pending, abandoned)</th> </tr> </thead> <tbody> <tr> <td>PCT/ES02/00194</td> <td>19/04/2002</td> <td>PENDING</td> </tr> </tbody> </table> <p>I hereby appoint customer no 2352 OSTROLENK, FABER, GERB & SOFFEN, LLP, and the members of the firm, Samuel H. Weiner - Reg. No. 18,510; Jennine M. Bertliner - Reg. No. 18,653; Robert C. Faber - Reg. No. 24,322; Edward A. Meilman - Reg. No. 24,735; Steven I. Weisburd - Reg. No. 27,409; Max Moskowitz - Reg. No. 30,576; Stephen A. Soffen - Reg. No. 31,063; James A. Finder - Reg. No. 30,173; William O. Gray, III - Reg. No. 30,944; Louis C. Dujmich - Reg. No. 30,625; Douglas A. Miro - Reg. No. 31,043, and Michael J. Scherer - Reg. No. 34,425, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence</p> <p>SEND CORRESPONDENCE TO: OSTROLENK, FABER, GERB & SOFFEN, LLP 1180 AVENUE OF THE AMERICAS NEW YORK, NEW YORK 10036-8403 CUSTOMER NO 2352</p> <p>DIRECT TELEPHONE CALLS TO: (212) 382-0700</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%; padding: 5px;">FULL NAME OF SOLE OR FIRST INVENTOR ORJALES VENERO, AURELIO</td> <td style="width: 30%; padding: 5px;">INVENTOR'S SIGNATURE </td> <td style="width: 35%; padding: 5px;">DATE 18 October 2004</td> </tr> <tr> <td colspan="2" style="padding: 5px;">RESIDENCE (City and either State or Foreign Country) 48990 NEGURI (VIZCAYA) (ES) ESX</td> <td style="padding: 5px;">COUNTRY OF CITIZENSHIP SPAIN</td> </tr> <tr> <td colspan="3" style="padding: 5px;">POST OFFICE ADDRESS Paseo del Puerto 24</td> </tr> <tr> <td style="padding: 5px;">FULL NAME OF SECOND JOINT INVENTOR (if any) BORDELL MARTIN, MARAVILLAS</td> <td style="padding: 5px;">INVENTOR'S SIGNATURE </td> <td style="padding: 5px;">DATE 18 October 2004</td> </tr> <tr> <td colspan="2" style="padding: 5px;">RESIDENCE (City and either State or Foreign Country) 48940 LEJOA (VIZCAYA) (ES) ESX</td> <td style="padding: 5px;">COUNTRY OF CITIZENSHIP SPAIN</td> </tr> <tr> <td colspan="3" style="padding: 5px;">POST OFFICE ADDRESS 00497846 1</td> </tr> </table>				COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119				YES ___ NO				YES ___ NO				YES ___ NO	UNITED STATES APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)	PCT/ES02/00194	19/04/2002	PENDING	FULL NAME OF SOLE OR FIRST INVENTOR ORJALES VENERO, AURELIO	INVENTOR'S SIGNATURE 	DATE 18 October 2004	RESIDENCE (City and either State or Foreign Country) 48990 NEGURI (VIZCAYA) (ES) ESX		COUNTRY OF CITIZENSHIP SPAIN	POST OFFICE ADDRESS Paseo del Puerto 24			FULL NAME OF SECOND JOINT INVENTOR (if any) BORDELL MARTIN, MARAVILLAS	INVENTOR'S SIGNATURE 	DATE 18 October 2004	RESIDENCE (City and either State or Foreign Country) 48940 LEJOA (VIZCAYA) (ES) ESX		COUNTRY OF CITIZENSHIP SPAIN	POST OFFICE ADDRESS 00497846 1		
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FIRST OFFICE ADDRESS Basarrate 26 1º izda.		
600 FULL NAME OF SIXTH JOINT INVENTOR, IF ANY RUBIO ROYO, VICTOR	INVENTOR'S SIGNATURE VVR	DATE 18 October 2004
RESIDENCE (City and either State or Foreign Country) 48990 GETXO (VIZCAYA) (ES) ESX		COUNTRY OF CITIZENSHIP SPAIN
FIRST OFFICE ADDRESS Bizkerre 30 1ºC		
700 FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY MOSQUERA PESTAÑA, RAMON	INVENTOR'S SIGNATURE RMP	DATE 18 October 2004
RESIDENCE (City and either State or Foreign Country) 48930 LAS ARENAS (VIZCAYA) (ES) ESX		COUNTRY OF CITIZENSHIP SPAIN
FIRST OFFICE ADDRESS Muelle Tomás Olabarri 2 2º Izda		